

110TH CONGRESS  
1ST SESSION

# H. R. 1089

To amend the Public Health Service Act to require the Secretary of Homeland Security to improve and expedite the assessment and determination of current and emerging chemical, biological, radiological and nuclear material threats, to group such agents to facilitate the assessment and acquisition of countermeasures that would address more than one of such agents or adverse health consequences common to exposure to different agents, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2007

Mr. LANGEVIN (for himself, Mr. McCAUL of Texas, Mr. THOMPSON of Mississippi, Mr. KING of New York, Mr. DICKS, Mr. SHAYS, Ms. ZOE LOFGREN of California, Mr. TOM DAVIS of Virginia, Ms. JACKSON-LEE of Texas, Mr. DENT, Mrs. CHRISTENSEN, Mr. DAVID DAVIS of Tennessee, and Mr. LINDER) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Public Health Service Act to require the Secretary of Homeland Security to improve and expedite the assessment and determination of current and emerging chemical, biological, radiological and nuclear material threats, to group such agents to facilitate the assessment and acquisition of countermeasures that would address more than one of such agents or adverse health con-

sequences common to exposure to different agents, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Project BioShield Ma-  
 5       terial Threats Act of 2007”.

6       **SEC. 2. MATERIAL THREATS.**

7       (a) IN GENERAL.—Section 319F–2(c)(2)(A) of the  
 8       Public Health Service Act (42 U.S.C. 247d–6b(c)(2)(A))  
 9       is amended—

10               (1) by redesignating clauses (i) and (ii) as sub-  
 11               clauses (I) and (II), respectively;

12               (2) by moving each of such subclauses two ems  
 13               to the right;

14               (3) by striking “(A) MATERIAL THREAT.—The  
 15               Homeland Security Secretary” and inserting the fol-  
 16               lowing:

17                       “(A) MATERIAL THREAT.—

18                               “(i) IN GENERAL.—The Homeland  
 19                               Security Secretary”; and

20               (4) by adding at the end the following clauses:

21                       “(ii) USE OF EXISTING RISK ASSESS-  
 22                               MENTS.—For the purpose of satisfying the  
 23                               requirements of clause (i) as expeditiously  
 24                               as possible, the Homeland Security Sec-

1           retary shall, as practicable, utilize existing  
2           risk assessments that such Secretary con-  
3           siders credible.

4           “(iii) ORDER OF ASSESSMENTS.—

5                   “(I) GROUPINGS TO FACILITATE  
6                   ASSESSMENT           OF           COUNTER-  
7                   MEASURES.—In conducting threat as-  
8                   sessments and determinations under  
9                   clause (i) of chemical, biological, radi-  
10                  ological, and nuclear agents, the  
11                  Homeland Security Secretary shall, to  
12                  the extent practicable and appro-  
13                  priate, consider the completion of such  
14                  assessments and determinations for  
15                  groups of agents toward the goal of  
16                  facilitating the assessment of counter-  
17                  measures under paragraph (3) by the  
18                  Secretary of Health and Human Serv-  
19                  ices.

20                   “(II) CATEGORIES OF COUNTER-  
21                   MEASURES.—The grouping of agents  
22                   under subclause (I) by the Homeland  
23                   Security Secretary shall be designed  
24                   to facilitate assessments under para-  
25                   graph (3) by the Secretary of Health

1 and Human Services regarding the  
2 following two categories of counter-  
3 measures:

4 “(aa) Countermeasures that  
5 may address more than one  
6 agent identified under clause  
7 (i)(II).

8 “(bb) Countermeasures that  
9 may address adverse health con-  
10 sequences that are common to  
11 exposure to different agents.

12 “(III) RULE OF CONSTRUC-  
13 TION.—A particular grouping of  
14 agents pursuant to subclause (II) is  
15 not required under such subclause to  
16 facilitate assessments of both cat-  
17 egories of countermeasures described  
18 in such subclause. A grouping may  
19 concern one category and not the  
20 other.

21 “(iv) TIME FRAME FOR COMPLETION  
22 OF CERTAIN NATIONAL-SECURITY DETER-  
23 MINATIONS.—With respect to chemical, bi-  
24 ological, radiological, and nuclear agents  
25 known to the Homeland Security Secretary

1 as of the day before the date of the enact-  
2 ment of this clause, and which such Sec-  
3 retary considers to be capable of signifi-  
4 cantly affecting national security, such  
5 Secretary shall complete the determina-  
6 tions under clause (i)(II) not later than  
7 December 31, 2007.

8 “(v) REPORT TO CONGRESS.—Not  
9 later than 30 days after the date on which  
10 the Homeland Security Secretary com-  
11 pletes a material threat assessment under  
12 clause (i) or a risk assessment for the pur-  
13 pose of satisfying such clause, the Sec-  
14 retary shall submit to Congress a report  
15 containing the results of such assessment.

16 “(vi) DEFINITION.—For purposes of  
17 this subparagraph, the term ‘risk assess-  
18 ment’ means a scientific, technically-based  
19 analysis of agents that incorporates threat,  
20 vulnerability, and consequence informa-  
21 tion.”.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
23 521(d) of the Homeland Security Act of 2002 (6 U.S.C.  
24 321–j(d)) is amended—

1           (1) in paragraph (1), by striking “2006,” and  
2           inserting “2009,”; and

3           (2) by adding at the end the following:

4           “(3) ADDITIONAL AUTHORIZATION OF APPRO-  
5           PRIATIONS REGARDING CERTAIN THREAT ASSESS-  
6           MENTS.—For the purpose of providing an additional  
7           amount to the Secretary to assist the Secretary in  
8           meeting the requirements of clause (iv) of section  
9           319F–2(c)(2)(A)) of the Public Health Service Act  
10          (relating to time frames), there are authorized to be  
11          appropriated such sums as may be necessary for fis-  
12          cal year 2008, in addition to the authorization of ap-  
13          propriations established in paragraph (1). The pur-  
14          poses for which such additional amount may be ex-  
15          pended include conducting risk assessments regard-  
16          ing clause (i)(II) of such section when there are no  
17          existing risk assessments that the Secretary con-  
18          siders credible.”.

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